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SENATE BILL 448

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Manny M. Aragon

AN ACT

RELATING TO THE ENVIRONMENT; AUTHORIZING IMPOSITION OF AN ENVIRONMENTAL IMPACT FEE ON NATIONAL LABORATORIES IN NEW MEXICO; PROVIDING POWERS AND DUTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Environmental Improvement Act is enacted to read:

"NEW MATERIAL ENVIRONMENTAL IMPACT FEE-- NATIONAL LABORATORIES-- ASSESSMENT AND COLLECTION-- ADMINISTRATION. --

A. The department may impose an annual environmental impact fee on a national laboratory. The fee shall be imposed in an amount equal to the net costs incurred by the department during the prior fiscal year to carry out necessary state and federal environmental regulation oversight and compliance efforts and activities.

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1 B. In calculating the environmental impact fee on a
2 national laboratory authorized in Subsection A of this section
3 for any fiscal year, the net costs shall be the sum of the
4 following actual costs incurred and expended from state funds
5 in the fiscal year for oversight and compliance efforts
6 directly related to the national laboratory less the total
7 amount of any permit fees paid in the fiscal year to the
8 department by the national laboratory pursuant to the Hazardous
9 Waste Act:

10 (1) the salary and benefit costs of full-time-
11 equivalent positions wholly dedicated to such oversight and
12 compliance;

13 (2) the total cost of contracted work
14 associated with laboratory oversight and compliance;

15 (3) that portion of administrative costs
16 attributable to such oversight and compliance efforts; and

17 (4) legal support costs associated with
18 laboratory permit applications and draft permits.

19 C. If assessed, an environmental impact fee shall
20 be imposed on a national laboratory on or before October 1
21 following the fiscal year for which the fee is assessed. The
22 department shall provide a detailed accounting of the costs
23 included in the fee. The fee shall be paid no later than
24 December 31 of the year in which it is assessed.

25 D. The secretary shall adopt by rule administrative

1 procedures that provide for the department to address and
2 resolve disputes regarding any of the costs included in an
3 environmental impact fee. The procedures shall require that in
4 the case of a dispute, a protest must be filed with the
5 department no later than thirty days after imposition of the
6 fee and that a hearing on the matter must be scheduled by the
7 secretary no later than thirty days after receipt of a protest.
8 The secretary shall make a determination resolving a dispute no
9 later than thirty days following the hearing on the matter.

10 E. As used in this section, "national laboratory"
11 means a federally funded research and development center
12 operated in New Mexico as a department of energy national
13 laboratory. "